



A Basic How-To-Get-Started Guide for Local Candidates





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Disclaimer

- This training guide is a educational resource for county and municipal candidates. It is a not a substitute for the law. It is imperative that you take the contents of this guide as a reference to assist understanding the Campaign Finance Act. You should always go back and look over the law to make sure you are in compliance. Any questions, feel

free to contact the education department at gaethics@ethics.ga.gov.



DISCLAIMER



Know the “Lingo”

- In the world of campaign finance, there are a lot of terms a candidate for local office should be familiar with.
 - Form DOI – Declaration of Intention to Accept Campaign Contributions
 - Form RC – Registration Form for a Candidate Campaign Committee
 - COOSA Form – Choosing the Option of Separate Accounting
 - CCDR – Campaign Contribution Disclosure Report
 - PFDS – Personal Financial Disclosure Statement
 - TBDR – Two Business Day Report
 - Affidavit of Exemption – Affidavit of a Candidate’s Intent Not to Exceed \$2,500 in Contributions and/or Expenditures
 - Local Filing Officer – The person that handles campaign finance documents for either the county or city. Will be either the County Elections Superintendent or City Clerk.



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Form DOI

- So you want to run for public.
 - Did you know, that before you can spend **OR** accept any money toward your campaign you have to file the Declaration of Intention to Accept Campaign Contributions? (**Reference Ga. Comp. R. & Regs. R. 189-6-.10**)
- The Form DOI is a document filed directly with the local filing officer.
- This document is **NOT** filed with the Commission if you are running for local office.
- The Form DOI is located on our website here http://ethics.ga.gov/wp-content/uploads/2020/02/2020_FormDOI-rev-2.12.2020-LOCAL.pdf.



Form DOI

- Filing the Form DOI triggers the reporting requirement for filers to file campaign contribution disclosure reports.
 - As soon as the Form DOI is filed with the Local Filing Officer, filers are required to start reporting their contributions and/or expenditures following the filing schedule listed here <https://ethics.ga.gov/wp-content/uploads/2021/03/Filing-Schedule-for-Local-Filers-2.15.2021.pdf>.
- There is **NO** grace period for filing the Form DOI. The document does need to be filed before the election date listed on the form.
- Any current public official running for the SAME office does not need to file a new Form DOI during the qualifying period.



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Form DOI

- A new Form DOI **MUST** be filed for each new office a local filer accepts and spends campaign funds for.
- A new Form DOI **MUST** be filed each time there is a break in office and the filer and/or public official terminated their account.
 - Example: Local filer ran for County Commission, District 1 in 2016. The filer was unsuccessful in that campaign and wants to run for County Commission, District 2 in 2020. That filer will file a new Form DOI because they are running for a different office.
 - Example: Local filer was the mayor in Stone City from 2009 – 2017. They decided to take a break from office. They want to run for mayor again in 2021. That file will file a new Form DOI because there was a break in office.



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Form DOI

- There are some jurisdictions that offer electronic filing. If your jurisdiction does not offer electronic filing, you will have to file the document manually.
- There is no expiration date for the Form DOI. The Form DOI is valid until the candidate and/or public official disposes of all campaign funds and terminates the account. (**Reference O.C.G.A. § § 21-5-33, 21-5-34(m))**)





Form RC

- Before a campaign committee accepts contributions, the name and address of the chairperson and treasurer shall be filed with the Commission.
- A filer does not have to have a campaign committee. Having a campaign committee is **optional**.
 - It is required if a candidate designates someone to file reports, accept money, or expend money on behalf of the campaign.
- **The Form RC is filed electronically on the Commissions website here <https://efile.ethics.ga.gov/#/index>.**



Form RC

- There cannot be a vacancy in either the chairperson or treasurer spot. If a filer registers a campaign committee, they have to have a chairperson and treasurer at all times.
- The registration of a campaign committee remains in effect as long as the candidate remains in office unless the registration is canceled by the committee or candidate. (**Reference O.C.G.A. § 21-5-30(b)**)



Please Note: The candidate can be both the chairperson and treasurer. The candidate can hold all three positions – candidate, chairperson and treasurer.



COOSA Form

- Allows a filer the option to collect campaign contributions for each election in an election cycle at the same time. The filer must separately account for those contributions.
- The filer shall only be required to file one such form which shall be utilized for all subsequent elections to the same elective office.
- The COOSA form does not expire.
 - The COOSA form is ONLY valid for one office per cycle. It automatically becomes invalid if the filer closes out their account or runs for a different office. (**Reference O.C.G.A § 21-5-43(a)**)

The COOSA is filed electronically on the Commissions website here <https://efile.ethics.ga.gov/#/index>.

Note: Contributions received for a future election cannot be expended until the current election has occurred.



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Campaign Contribution Disclosure Reports

- A report filed by candidates, public officials, and/or campaign committees that discloses all contributions received and expenditures made during a reporting period.
 - What is a reporting period? The reporting period is the period of time beginning the day **AFTER** the last CCDR due date, excluding any grace period, through the due date of the next report.
 - Scenario: In an election year, there are six CCDR's due. The first report of the year is due on January 31st. The next report is due on April 30th. The reporting period would be between February 1st and April 30th.
- There is a five-day grace period for all CCDR filings.
 - Runoff elections have a grace period of only two days.

The grace period does not include weekends of holidays.



Campaign Contribution Disclosure Reports

- The CCDR is filed directly with the local filing officer.
- If the county or municipal offers a way for filers to file electronically, that is permitted. If that option is not available, all filers will file the CCDR form manually.
- The CCDR form must be filed in its entirety. That means a filer must file all ten pages regardless of whether information is on the page.
- The CCDR form is located on our website here
[http://ethics.ga.gov/wp-content/uploads/2020/02/2020 CCDR NEYdate Update-2.18.2020.pdf](http://ethics.ga.gov/wp-content/uploads/2020/02/2020_CCDR_NEYdate_Update-2.18.2020.pdf).

The CCDR does NOT have to be notarized.



Filing Schedule

- As a local filer, you are not required to file campaign contribution disclosure reports all the time. Once you file the Form DOI, the reporting requirements are triggered. Unless you file the Affidavit of Exemption, you will follow the filing schedule for filing campaign contribution disclosure reports.
- During election years, there are six reports that must be filed:
 - January 31st
 - April 30th
 - June 30th
 - September 30th
 - October 25th
 - December 31st



Filing Schedule

- During non-election years, there are two reports that must be filed:
 - June 30th
 - December 31st
- The reports are due on the due date, but there is a five-day grace period for all campaign contribution disclosure report filings.
- You can find the schedule for local filers here
<https://ethics.ga.gov/wp-content/uploads/2021/03/Filing-Schedule-for-Local-Filers-2.15.2021.pdf>.



Final Report and Termination Statement

- This is the final report filers file to terminate their campaigns.
- This report can ONLY be file when the filer has a net balance on hand of \$0 and has \$0 in campaign debt.
- ALL filers file this report to terminate their campaign. If a filer has an affidavit of exemption on file, they will still file this report when it is time to terminate.
- The final report and termination statement is filed directly with the local filing officer.



Final Report and Termination Statement

- When does a local filer file the final report and termination statement?
 - Scenario 1: Local filer files the Form DOI, files the affidavit of exemption, but does not qualify for office. This filer can file the final report and termination statement within 10 days of dissolving the campaign.
 - Scenario 2: Local filer files the Form DOI, files the affidavit of exemption but is unsuccessful in the primary election. This filer can file the final report and termination statement on December 31st.
 - Scenario 3: Local filer files the Form DOI, does not file the affidavit of exemption, and does not qualify for office. This filer owes a June 30th and January 31st CCDR following the date of the election. After they file the January 31st report, they can terminate within 10 days of dissolving campaign.



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Final Report and Termination Statement

- When does a local filer file the final report and termination statement?
 - Scenario 4: Local filer files the Form DOI, does not file the affidavit of exemption, and qualifies for office. This filer is unsuccessful in the primary election, they are required to file the same reports outlined in the filing schedule as the successful candidate. They can file the final report and termination statement on December 31st.





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Personal Financial Disclosure Statement

- The PFDS is a document filed by all current elected officials that discloses information about financial activity for the preceding calendar year.
- A local filer who is a candidate for office but is not an elected official is **NOT** required to file the PFDS. Should they win their election, they will file the PFDS the following year.
- There is **NO** grace period for the PFDS. The report is due on the due date and is due EVERY YEAR an elected official is in office. (**Reference O.C.G.A. § 21-5-50(a)(1) & (3.1)**)



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Personal Financial Disclosure Statement

- When does an elected official file the PFDS?
 - During **non-election years**, the PFDS is due between January 1st and July 1st.
 - During **election years**, the PFDS is due within 15 days of qualifying. If the elected official chooses to file the PFDS between January 1st and July 1st during an election year, they will not have to file the PFDS again when they qualify for office.
- The PFDS is filed directly with the local filing officer and can be found on our website here http://ethics.ga.gov/wp-content/uploads/2015/02/2014-PFD-Personal-Financial-Disclosure-Statement_writable.pdf.
- The PFDS does not have to be notarized.



Two Business Day Report

- This report is used to report contributions received, including loans, of a \$1,000 or more. This report is only filed during certain times of the year.
- This report is **NOT** filed every time a filer receives \$1,000 or more.
- The contributions **MUST** be reported within two business days of receipt and **MUST** be reported on the next scheduled CCDR.
- There is **NO** grace period for the two-business day report. (**Reference O.C.G.A. § 21-5-34(c)(2)(C)**)
- **If the filer has an affidavit of exemption on file, they are not required to file this report unless the threshold is crossed.**



Two Business Day Report

- This report is due during the time period between when the last CCDR is due before an election and the election date for which a candidate has qualified.
 - Scenario: Filer qualifies for the mayoral election held on November 2, 2021. They do not have an affidavit of exemption on file. The last CCDR due before the November General is October 25th. Any contributions received of \$1,000 or more between October 26th and November 2nd are reported on the two-business day report. They received \$1,000 on October 31st. They will file the report within two business days.
- The two-business day report is located on our website here [http://ethics.ga.gov/wp-content/uploads/2015/02/2014 TBD-Two-Business-Days-Report-of-Contributions-Received_writable.pdf](http://ethics.ga.gov/wp-content/uploads/2015/02/2014_TBD-Two-Business-Days-Report-of-Contributions-Received_writable.pdf).



EXEMPT

Affidavit of Exemption

- This is a document candidates and/or public officials can file if they **DO NOT** intend on accepting a combined total of \$2,500 in contributions and/or expenditures during an election cycle.
- The affidavit allows a filer to be “exempt” from filing campaign contribution disclosure reports if they stay under the aggregate threshold of \$2,500.
- The affidavit is filed directly with the local filing officer.
- The affidavit **DOES NOT** apply to the Personal Financial Disclosure Statement (PFDS). All elected officials have to file PFDS regardless of whether or not they have an affidavit on file.



Affidavit of Exemption



- The affidavit is only valid for one election cycle.
 - What is an election cycle? An election cycle is the day after the November General Election to the next November General Election when that person will be on the ballot for the same race. (**Reference O.C.G.A. § 21-5-3(10)**)
 - **This is not a document a filer files once and is good forever. A new one has to be filed for every election cycle.**
- A best practice is for the local filer to file the affidavit at the same time they file the Form DOI.
- A filer does not have to wait to file the affidavit when they qualify for office. They can file both the Form DOI and affidavit before they qualify.



Affidavit of Exemption

- What happens when a filer crosses the \$2,500 threshold in contributions and/or expenditures?
 - Filers who cross \$2,500 but stay under \$5,000 shall file a June 30th and December 31st CCDR in their next election year.
 - Scenario: Filer won the mayoral election for Stone City in 2017. Filer crosses \$2,500 but stays under \$5,000 in 2018. Their next election year is 2021 which is when they will file the June 30th and December 31st. They will not file anything in 2019 or 2020.
 - Filers who exceed \$5,000 shall file ALL reports prescribed in the Act.
 - Scenario: Filer won the mayoral election in Stone City in 2017. Filer crosses \$5,000 in 2018. The filer will start filing all of the reports in the filing schedule starting in 2018. They will file non-election year reports in 2018, 2019, and 2020. They will file all election year reports in 2021. **Reference O.C.G.A. § 21-5-34(d.1)**



Forms Filed with the Commission

- Remember, there are two forms that a local filer must file with the Commission.
- Forms filed with the Commission are filed electronically using our new e-filing system located here <https://efile.ethics.ga.gov/#/index>.
- For these forms to count and be considered “filed,” they have to file the forms with the Commission.
 - **Form RC** – Registration of a Candidate Campaign Committee
 - **COOSA Form** – Choosing the Option of Separate Accounting



What is a Contribution?

- **Contribution** means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of any person for office which is to appear on the ballot in county or a municipal election in this state.
 - In-Kind Contribution: Any contribution that is not monetary i.e. donating hotdog buns for a rally or donating rental space.
- A contribution shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis.
 - Volunteering could be someone's pay rate or their time.



What is a Contribution?

- When you receive a contribution, there is certain information you **MUST** record.
 - If you receive a contribution of \$100.01 or more, you will need the following information to itemize the contribution:
 - Name, mailing address, occupation, employer, date of receipt, and which election this contribution is going towards.
 - If you receive a contribution of \$100 or less, you do not have to itemize the contribution. Once that person crosses \$100.01 in contributions to your campaign, you will need to start itemizing their contributions with the information above.
- **(Reference O.C.G.A. § 21-5-34(b)(1)(A))**



What is a Contribution?

- Candidates and elected officials **ARE NOT** allowed to accept or receive contributions from anonymous sources.
 - Any contribution received anonymously **MUST** be transmitted to the Office of Treasury & Fiscal Services –200 Piedmont Ave. Suite 1202 (West Tower), Atlanta, GA 30334 ~ 404-656-2168
 - The candidate and public official **MUST** notify the Commission of the receipt of the anonymous contribution and its transmittal to the Office of Treasury & Fiscal Services.



What is an Expenditure?

- **“Ordinary and necessary expenses”** shall include, but shall not be limited to, expenditures made during the reporting period for qualifying fees, office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans, etc.
- When you make an expenditure, there is certain information you **MUST** record.
 - If you make an expenditure of \$100.01 or more, you will need the following information to itemize the expenditure:
 - Name, mailing address, date of expenditure, and which election this contribution is going towards.
 - If the recipient of the expenditure is an individual, you will need their occupation, employer and general purpose of expenditure.
- **(Reference O.C.G.A. § 21-5-34(b)(1)(B))**



Ballot Committees

- Any campaign committee which accepts contributions or makes expenditures designed for voters to approve or reject questions appearing on the ballot in a county or municipal election.
- Ballot committees registered directly with the County Elections Office or City Clerk for where the question will appear on the ballot.
- Ballot committees **DO NOT** register with the Commission.
- Best Practice: Ballot committees should register when there is actual enabling legislation for the question to appear on the ballot.



Ballot Committees

- The register using the Form RO which can be found on our website here [http://ethics.ga.gov/wp-content/uploads/2017/09/Current FORMRO.pdf](http://ethics.ga.gov/wp-content/uploads/2017/09/Current_FORMRO.pdf).
 - They will select the option “County or Municipal Ballot Question.”
- They are only required to file campaign contribution disclosure reports if contributions and/or expenditures exceed \$500.
- They will follow the special election filing schedule found here <https://ethics.ga.gov/wp-content/uploads/2021/03/Filing-Schedule-for-Non-Candidate-Committees-2.15.2021.pdf>.
- Ballot committees shall identify the principal officer of the committee on all advertising. (**Reference O.C.G.A. § 21-5-34(a)(2)(A)**)




Recall Committees

- Did you know that if someone wants to recall an elected official, there are campaign finance reports they must file with the Commission?
 - What is a recall committee? Any campaign committee which accepts contributions or makes expenditures for the purpose of recalling a public officer or opposing a public officer.
 - The recall committee must register with the Commission by filing the Form RO. That form is located on our website here [http://ethics.ga.gov/wp-content/uploads/2017/09/Current FORMRO.pdf](http://ethics.ga.gov/wp-content/uploads/2017/09/Current_FORMRO.pdf).
 - They will select the option “Recall Committee.”
- They will be following the filing schedule outlined in O.C.G.A. § 21-5-34(g)



Late Fees

- Local filing officers are responsible for letting the Commission know who your late and non-filers are.
- Local filing officers are NOT responsible for the notification and collection of late fees. (They are **not** the campaign finance police) 
- Late fees are imposed by the Commission and not the local filing officer.
- If you file within the campaign contribution grace period, you will not incur a late fee. If you file outside of the grace period, you will incur a late fee.

Late fees start at \$125 and escalate from there. It is imperative that candidates and public officials file their reports on time to avoid paying late fees.



Late Fees

- Late fee fine schedule:

- \$125 is due after the first day of the grace period.
- \$250 is due if the report is not filed by the 15th day after the due date.
- \$1000 is due if the report is not filed by the 45th day after the due date.
- FYI, the fee escalation refers to the due date and NOT the end of the grace period due date.

- You are allowed to pay the late fee for a CCDR out of your campaign funds. However, you cannot pay the late fee for a PFDS out of campaign funds.

FYI, the fee escalation refers to the due date and NOT the end of the grace period due date.



Local Level Lobbyist Reporting

- Did you know that if you lobby for any county and municipal-level governments you should be filing reports with the local filing officer?
 - County and municipal-level lobbyist shall register with the Commission.
 - They shall file disclosure reports with the Commission and submit a copy of such report with the **election superintendent of each county**.
 - They shall file a report with each county involved if the report contains lobbyist expenditures related to county or county school districts.
 - They shall file disclosure reports with the Commission and submit a copy of the such report with the **city clerk of each municipality**.
 - They shall file a report with each municipality involved if the report contains lobbyist expenditures related to municipal or independent school districts.



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Local Filer Record Keeping



- Candidates and current elected officials are required to maintain detail records of **ALL** contributions received and expenditures made.
- They should keep a detailed record of **ALL** campaign finance registration documents.
- Records maintained by the candidate or candidate campaign committee are subject to inspect by the Commission at anytime.
- Records should be preserved for ***three years*** from the date the campaign is terminated.
 - Best Practice: The Commission’s retention schedule is five years, so you are strongly encouraged to keep records for at least five years.



Contribution Limits

- As a local filer, if you plan on accepting contribution limits, you need to be aware there are limits.
- Contributors can only contribute up to a certain amount per election, per election cycle.

Primary Election

(Contributions are per contributor/per election cycle) **\$2,800**

Primary Election Run-off

(Contributions are per contributor/per election cycle) **\$1,500**

General Election

(Contributions are per contributor/per election cycle) **\$2,800**

General Election Run-off

(Contributions are per contributor/per election cycle) **\$1,500**



Disposing of Campaign Funds

- If you are unsuccessful in your campaign, or successful but leaving office, you must dispose of your campaign funds.
- You are not allowed to use campaign funds toward personal assets.
- There are only a handful ways to legally dispose of campaign funds outlined in the campaign finance act. (**Reference O.C.G.A. § 21-5-33**)
- Once all campaign funds have been disposed, you will file the Final Report and Termination Statement to close everything out.



Questions

- Feel free to contact the Education Department at gaethics@ethics.ga.gov or 404-463-1980.
- The education help desk is available from 9:30 am – 4:30 pm.

